

IN THE SUPREME COURT OF FLORIDA

INQUIRY CONCERNING A JUDGE, NO. 01-244
(Judge Charles W. Cope)

Case No. SC01-2670

FLORIDA JUDICIAL QUALIFICATIONS COMMISSION'S REPLY TO RESPONSE TO ORDER TO SHOW CAUSE AND MOTION FOR COSTS

Pursuant to the August 28, 2002, Order to Show Cause, the Florida Judicial Qualifications Commission notes that the parties are in agreement that Judge Charles W. Cope should receive the discipline recommended by the Commission.

Unless this Court – in its constitutionally mandated, independent review of the record¹ – determines that no discipline is appropriate in this case, the Commission should be awarded its recoverable costs pursuant to Rule 2.140(c), Florida Rules of Judicial Administration as the prevailing party. Judge Cope has offered no reason as to why the Commission should not prevail in these proceedings and indeed accepts the Commission's ruling.

WHEREFORE, the Florida Judicial Qualifications Commission requests the Court to approve its recommendation of discipline and to award costs.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by facsimile and regular U.S. mail to: **Robert W. Merkle, Jr., Esq.**, Counsel for Respondent, 5510 W. La Salle Street, #300, Tampa, Florida 33607-1713; **Judge James R. Jorgenson**, Chair of the Judicial Qualifications Commission Hearing Panel, 3rd District Court of Appeal, 2001 S.W. 117th Ave., Miami, Florida 33175-

¹ See, e.g., *In re MacMillan*, 797 So. 2d 560, 566 (Fla. 2001) (reaffirming that “the ultimate power and responsibility in making a determination rests with this Court”); *In re Fletcher*, 664 So. 2d 934, 936 (Fla. 1995) (rejecting Commission's recommendation of a reprimand after concluding that record was insufficient to support a final determination and remanding for further proceedings).

1716; **John Beranek, Esq.**, Counsel to the Hearing Panel of the Judicial Qualifications Commission, P.O. Box 391, Tallahassee, Florida 32301; and **Brooke S. Kennerly**, Executive Director of the Florida Judicial Qualifications Commission, 1110 Thomasville Road, Tallahassee, Florida 32303, this ___ day of September, 2002.

By: _____

John S. Mills, Esq.
Florida Bar No. 0107719
Special Counsel
Florida Judicial Qualifications
Commission
The Mills Firm
200 Laura Street, Suite 1150
Jacksonville, Florida 32202
(904) 350-0075

HeatherAnn Solanka, Esq.
Florida Bar No. 0497347
Foley & Lardner
200 Laura Street
Jacksonville, Florida 32202
(904) 359-2000

Thomas C. MacDonald, Jr., Esq.
Florida Bar No. 049318
General Counsel
Florida Judicial Qualifications
Commission
100 North Tampa Street, Suite 2100
Tampa, Florida 33602
(813) 221-2500